

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

Amendment of Inventorship

The Examiner's previous confirmation that the inventorship of the present application has been amended is respectfully acknowledged. The Examiner is respectfully requested to confirm that the application has been forwarded to the Office of Initial Patent Examination so that the PTO's records can be corrected.

THE CLAIMS

Independent claim 10 has been amended to incorporate dependent claim 11, which has been canceled.

In addition, claims 12 and 16 have been amended to depend from amended independent claim 10, instead of from (now canceled) claim 11, and (now unnecessary) claims 13 and 15 have been canceled.

No new matter has been added and no new issues have been raised which require further consideration on the merits and/or a new search.

Accordingly, it is respectfully requested that the amendments to the claims be approved and entered under 37 CFR 1.116.

THE PRIOR ART REJECTION

Claims 10 and 15 were rejected under 35 USC 102 as being anticipated by USP 3,901,098 ("Jinkins"); claims 11-13 and 16-18 were rejected under 35 USC 103 as being obvious in view of the combination of Jinkins and USP 3,838,588 ("Johnson"); and claims 14 and 19 were rejected under 35 USC 103 as being obvious in view of the combination of Jinkins and USP 6,709,161 ("Yakura et al"). These rejections, however, are respectfully traversed.

It is again respectfully submitted that previously presented claim 10 clearly patentably distinguishes over Jinkins, as explained in the Response filed on April 7, 2010, for example.

Among other reasons, it is respectfully pointed out that even though the Examiner refers to the drive adapter 6 of Jinkins as being an inner ring of the ball bearing 10 (see item 8 on pages 4-6 of the Final Office Action), the drive adapter 6 of Jinkins is in fact secured to the shaft portion 7 to form a drive shaft 6-7, and the ball bearing 10 of Jinkins is slid onto the drive adapter 6. See the Response filed on April 7, 2010.

In any event, it is respectfully submitted that amended independent claim 10 now even more clearly patentably distinguishes over Jinkins, even if Jinkins is considered together with Johnson.

According to claim 10, the adjusting device comprises a coupling device arranged to rotationally lock the inner ring of

the ball bearing relative to the drive spindle as a desired axial position of the drive spindle is obtained.

The Examiner has again pointed to element 18 of Jinkins as corresponding to the coupling device of claim 10. See page 3 of the Final Office Action. However, as pointed out in the Response filed on April 7, 2010, element 18 of Jinkins is a "spacer 18 of light-weight, low friction material" (column 3, lines 1-2) and is not arranged to rotationally lock the drive adapter 6 relative to the shaft portion 7.

At the top of page 6 of the Final Office Action, the Examiner asserts that "[c]olumn 3, lines 1-16 of Jinkins disclose the arrangement of coupling device 18 along with lock ring 17 relative to the inner ring 6 and shaft portion 7, for the purpose of securing and limiting axial movement of the spindle shaft portion and inner ring. Such a locked position is accomplished due to the press fit of the lock ring 17 with bore 16 as the shaft portion 7 and inner ring are axially adjusted." (Emphasis added.)

Thus, the Examiner has only asserted that the spacer 18 in Jinkins is provided to limit axial movement of the drive shaft assembly 6-7 (which the Examiner calls a ball bearing inner ring 6 and a shaft portion 7). However, according to claim 10, the coupling device is arranged to rotationally lock the inner ring of the ball bearing relative to the drive spindle as a

desired axial position of the drive spindle is obtained. It is respectfully submitted that Jinkins does not disclose or suggest that the spacer 18 rotationally locks the drive adapter 6 relative to the shaft portion 7. Indeed, the Examiner has not even asserted that the spacer 18 rotationally locks the drive adapter 6 relative to the shaft portion 7 in Jinkins.

Accordingly, even if the disclosure in Jinkins of the drive adapter 6 and shaft portion 7 is interpreted as corresponding to a ball bearing inner ring and drive shaft as the Examiner suggests, Jinkins still would not disclose or suggest the coupling device recited in claim 10.

It is respectfully submitted, therefore, that the Examiner has not addressed, and Jinkins does not disclose or suggest, the structure recited in claim 10 whereby the adjusting device comprises a coupling device arranged to rotationally lock the inner ring of the ball bearing relative to the drive spindle as a desired axial position of the drive spindle is obtained.

According to amended independent claim 10, moreover, the coupling device comprises: a number of axially directed coupling teeth on said inner ring; and an annular coupling element provided with axially directed engagement teeth for cooperation with said coupling teeth; said coupling element having radially inwardly directed engagement teeth for cooperation with splines on said drive spindle.

The Examiner has cited Johnson with respect to claim 11, which previously recited this subject matter.

The rationale for the suggested combination of Jinkins and Johnson is unclear. Johnson relates to a rivet setting apparatus. Johnson does not disclose an angle drive to be set or an axial force transferring ball bearing to be adjusted. The mere fact that the device disclosed by Johnson relates to a power tool would not lead one of ordinary skill in the art to apply structure from the device disclosed by Johnson to the device disclosed by Jinkins.

In addition, the Examiner asserts that Johnson "suggest[s] to one of ordinary skill in the art at the time of the invention that the modification of the axially adjustable spindle of J[i]nkins to include splines as an axial locking element would have been obvious." See item 9 on page 5 of the Final Office Action.

It is respectfully pointed out, however, that previously presented (now canceled) claim 11 and currently amended independent claim 10 do not merely recite splines as an axial locking element.

Claim 10 recites a coupling device arranged to rotationally lock the inner ring of the ball bearing relative to the drive spindle as a desired axial position of the drive spindle is obtained.

In addition, according to claim 10, the coupling device comprises: a number of axially directed coupling teeth on the inner ring; an annular coupling element provided with axially directed engagement teeth for cooperation with the coupling teeth; wherein the coupling element has radially inwardly directed engagement teeth for cooperation with splines on the drive spindle.

Thus, according to claim 10, axially directed coupling teeth are provided on the inner ring (the drive adapter 6 of Johnson, according to the Examiner); axially directed engagement teeth are provided on an annular coupling element for cooperation with the coupling teeth on the inner ring (it is unclear what structure in the cited references is considered by the Examiner to be the annular coupling element of claim 10); splines are provided on the drive spindle (the shaft portion 7 of Johnson, according to the Examiner); and radially inwardly directed engagement teeth are provided on the coupling element for cooperation with the splines on the drive spindle.

It is respectfully submitted that the Examiner's assertion that splines would be an obvious addition to Jinkins does not explain why this structure of claim 10 would be rendered obvious in view of Jinkins and Johnson. And it is respectfully submitted that Jinkins and Johnson, considered together in any reasonable combination consistent with the respective fair teachings

thereof, do not at all disclose or suggest the structure previously recited in claim 11 and now recited in amended independent claim 10.

In view of the foregoing, it is respectfully submitted that amended independent claim 10 and claims 12, 14 and 16-19 depending therefrom clearly patentably distinguish over Jinkins, Johnson, and Yakura et al, taken singly or in any reasonable combination, under 35 USC 102 as well as under 35 USC 103.

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Entry of this Amendment, allowance of the claims, and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,

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